

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TALIAH WHITFIELD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:13CV1979 SNLJ
)	
DILLARDS DEPARTMENT STORE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendants David Brennan and James Bowie's motion to compel. Plaintiff has failed to respond to the motion, and the deadline for responding has passed.

Defendants state that plaintiff has failed to comply with her discovery obligations in that she has not served her initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), which were due on March 28, 2014 in accordance with the Case Management Order. Further, defendants served plaintiff with their First Set of Interrogatories and First Request for Production on May 9, 2014 and plaintiff has failed to response to that discovery. Defendants attempted to resolve the matter by correspondence to plaintiff's counsel on June 9, 2014, and July 24, 2014 and by a telephone call on July 11, 2014, but plaintiff continues to fail to make the required disclosures and respond to the outstanding discovery.

"If a party fails to make a disclosure required by Rule 26(a) any other party may move to compel disclosure and for appropriate sanctions." Fed.R.Civ.P. 37(a)(2). This

Court previously addressed plaintiff's failure to serve her Rule 26(a)(1) disclosures in response to a motion to compel filed by co-defendant Dillard's Inc. On July 28, 2014, this Court ordered plaintiff to serve her Rule 26(a)(1) disclosures on all defendants. However, plaintiff has failed to notify the Court of her compliance with the Court's order as required by the July 28, 2014 order. As a result, plaintiff is again ordered to serve her Rule 26(a)(1) disclosures on all defendants and notify the Court of her compliance within seven days. Further, this Court will compel plaintiff to serve her responses to defendants' First Set of Interrogatories and First Request for Production on all defendants within seven days.

Plaintiff's failure to meet her discovery obligations, failure to respond to either of the motions to compel filed in this action, and failure to comply with the Court's July 28, 2014 Order is troubling. Plaintiff should be mindful that Rule 41(b) permits a court to dismiss a cause of action with prejudice "for a failure of a plaintiff to prosecute or comply with these rules or any court order." Dismissal with prejudice is warranted "in cases of willful disobedience of a court order or where a litigant exhibits a pattern of intentional delay." *Arnold v. ADT Sec. Services, Inc.*, 627 F.3d 716, 722-23 (8th Cir. 2010).

Accordingly,

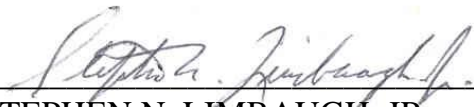
IT IS HEREBY ORDERED that defendants David Brennan and James Bowie's First Motion to Compel Against Plaintiff (ECF #28) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall serve her Rule 26(a)(1) disclosures on all defendants within seven days.

IT IS FURTHER ORDERED that plaintiff shall serve her responses to defendants' First Set of Interrogatories and First Request for Production within seven days.

IT IS FINALLY ORDERED that plaintiff shall notify the Court within seven days that she has complied with this order. Failure to comply may result in sanctions, including dismissal of this action.

Dated this 12th day of August, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE